

1 Nannina L. Angioni (SBN 11041)
2 **KAEDIAN LLP**
3 3960 Howard Hughes Parkway, Suite 500
4 Las Vegas, NV 89169
5 Telephone: (702) 706-7571
6 Facsimile: (310) 893-3191
7 nangioni@kaedianllp.com

8 Attorneys for Defendant,
9 ALL BRIGHT FAMILY DENTISTRY, LLC

10 Michael P. Balaban (SBN 9370)
11 **LAW OFFICES OF MICHAEL P. BALABAN**
12 10726 Del Rudini Street
13 Las Vegas, NV 89141
14 Telephone: (702) 586-2964
15 Facsimile: (702) 586-3023
16 mbalaban@balaban-law.com

17 Attorney for Plaintiff,
18 YVONNE NOSIK

19 UNITED STATES DISTRICT COURT
20 FOR THE DISTRICT OF NEVADA

21 YVONNE NOSIK

22 Plaintiff,

23 v.

24 ALL BRIGHT FAMILY DENTISTRY,
25 LLC dba ALL BRIGHT DENTAL, a
26 Nevada Limited Liability Company

27 Defendant.

Case No.: 2:18-cv-00972-RFB-PAL

**JOINT MOTION AND PROPOSED
ORDER RE: CONTINUING DATE
SET FOR HEARING MOTION
FOR PROTECTIVE ORDER DUE
TO TRIAL CONFLICT**

Action Filed: 5/27/2018

1
2 TO THE HONORABLE COURT:

3 Plaintiff Yvonne A. Nosik (“Plaintiff”) and Defendant All Bright Family
4 Dentistry, LLC d/b/a All Bright Dental (“Defendant”) (hereafter Plaintiff and
5 Defendant are jointly referred to as the “Parties”), hereby jointly stipulate and
6 respectfully move this Court for an Order continuing the date currently set for hearing
7 Defendant’s Motion for Protective Order (ECF No. 22) from March 12, 2019 to March
8 15, 2019 due to the fact that Defendant’s counsel will be engaged in a jury trial in
9 another state on March 12, 2019. Good cause exists to grant the Parties’ request for the
10 following reasons:

11 1. On February 27, 2019, the court scheduled a hearing on Defendant’s
12 Motion for Protective Order (ECF No. 22) for March 12, 2019. See, Notice Setting
13 Hearing on Motion (ECF No. 28).

14 2. At the time this Notice issued, Defendant’s counsel expected to be
15 available and to have completed a jury trial in another matter in another state
16 (specifically, *Lesnia Mojica vs. SymAction Communications, LLC, et al.*, pending
17 before the Los Angeles Superior Court, State of California, case number BC 619720
18 (the “California Jury Trial”)) before March 12, 2019.

19 3. Unfortunately, the start date for the California Jury Trial ended up trailing
20 and not starting as originally scheduled due to the Court being engaged in another trial
21 at the same time.

22 4. On March 4, 2019, Defendant’s counsel learned that the California Jury
23 Trial would start on March 6, 2019. The California Jury Trial is estimated to take one
24 week to complete, which would leave Defendant’s counsel engaged in jury trial on
25 March 12, 2019.

26 5. The Parties are currently scheduled to appear before the Court on March
27 15, 2019 at 3:00 p.m. for a hearing on Defendant’s Motion to Dismiss the Complaint.
28

1 See, Minute Order in Chambers (ECF No. 21).

2 6. Defendant's counsel expects to have the California Jury Trial completed
3 by March 15, 2019.

4 7. If the hearing on March 12, 2019 goes forward as planned, Defendant will
5 not have an attorney present to argue the Motion for Protective Order and will
6 consequently suffer prejudice.

7 8. The Parties have met and conferred in good faith regarding the scheduling
8 of pending Motions in this matter and have agreed to jointly request that the hearing on
9 the Motion for Protective Order be continued to March 15, 2019 or as soon thereafter
10 as the Court permits to accommodate the pending jury trial conflict.

11 9. Because an unavoidable jury trial conflict exists and the Parties have met
12 and conferred in good faith in an effort to reach an amicable scheduling resolution, and
13 because Defendant's counsel cannot avoid the California Jury Trial conflict despite her
14 best efforts to do so, good cause exists to grant the Parties' requested relief.

15 Therefore, the Parties stipulate and agree to continue the hearing on Defendant's
16 Motion for Protective Order (ECF No. 22) from March 12, 2019 to March 15, 2019 at
17 1:00 p.m. or as soon thereafter as the Court permits.

18 So stipulated and agreed.

19 LAW OFFICES OF
20 MICHAEL P. BALABAN

KAEDIAN LLP

21 /s/ Michael P. Balaban
22 Michael P. Balaban, Esq.
23 10726 Del Rudini St.
24 Las Vegas, NV 89141
Attorney for Plaintiff
Dated: March 5, 2019

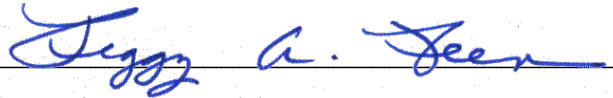
/s/ Nannina L. Angioni
Nannina L. Angioni, Esq.
3690 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
Attorney for Defendant
Dated: March 5, 2019

25
26
27 **ORDER**

28 Upon finding good cause, it is HEREBY ORDERED that the hearing on

1 Defendant's Motion for Protective Order (ECF No. 22) is HEREBY CONTINUED
2 from March 12, 2019 before Judge Leen, to March 15, 2019 at 3:00 p.m. before Judge
3 Boulware in Courtroom 7C, to be heard in conjunction with the other matters to be
4 determined before Judge Boulware.

5 **IT IS SO ORDERED.**

6 

7 The Honorable Peggy A. Leen
8 United States District Court Magistrate Judge

9 Dated: March 7, 2019
10 _____